
By: **Montgomery County Delegation and Prince George's County
Delegation**

Introduced and read first time: February 11, 2003

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Land Use Regulation - Delegation to Municipal**
3 **Corporations**
4 **MC/PG 108-03**

5 FOR the purpose of authorizing the district council for Prince George's County to
6 delegate certain powers relating to planning and zoning to certain governing
7 bodies of municipal corporations within the Maryland-Washington Regional
8 District in Prince George's County in certain circumstances; authorizing the
9 district council to approve certain local plans; authorizing certain municipal
10 corporations within Prince George's County to exercise certain planning and
11 zoning powers; requiring the district council to delegate certain powers relating
12 to planning and zoning to certain governing bodies of municipal corporations
13 within the Maryland-Washington Regional District in Prince George's County
14 in certain circumstances; authorizing certain appeals of certain decisions to be
15 made to a certain district council; providing that the provisions of this Act are
16 intended to be in addition to, and not in derogation of, zoning and planning
17 powers held by certain municipal corporations; providing for the effective dates
18 of portions of this Act; and generally relating to the delegation of certain land
19 use matters from the district council of Prince George's County to municipal
20 corporations in the county.

21 BY repealing and reenacting, with amendments,
22 Article 28 - Maryland-National Capital Park and Planning Commission
23 Section 8-112.4
24 Annotated Code of Maryland
25 (1997 Replacement Volume and 2002 Supplement)

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27 Article 28 - Maryland-National Capital Park and Planning Commission
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1 (As enacted by Section 1 of this Act)

2 BY adding to

3 Article 28 - Maryland-National Capital Park and Planning Commission
4 Section 8-112.5
5 Annotated Code of Maryland
6 (1997 Replacement Volume and 2002 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
8 MARYLAND, That the Laws of Maryland read as follows:

9 **Article 28 - Maryland-National Capital Park and Planning Commission**

10 8-112.4.

11 (a) This section applies to any land within the corporate limits of a municipal
12 corporation in the Maryland-Washington Regional District in Prince George's County.

13 (b) (1) Subject to paragraph (2) of this subsection, the district council may
14 provide that the governing body of a municipal corporation may exercise the powers of
15 the district council in regard to:

16 (i) CERTIFICATIONS OF NONCONFORMING USES;

17 (II) CONCEPTUAL SITE PLANS;

18 (III) Design standards;

19 [(ii)] (IV) DETAILED SITE PLANS;

20 (V) Parking and loading standards;

21 (VI) REVISIONS TO SITE PLANS;

22 [(iii)] (VII) Sign design standards;

23 [(iv)] (VIII) Variances for lot size, setback requirements, and similar
24 requirements; [and]

25 (IX) VACATION OF LOCAL RIGHTS-OF-WAY; AND

26 [(v)] (X) Landscaping requirements, INCLUDING REQUESTS FOR
27 COMPLIANCE ALTERNATIVES FROM THE PRINCE GEORGE'S COUNTY LANDSCAPE
28 MANUAL.

29 (2) When exercising authority delegated under paragraph (1) of this
30 subsection, the governing body of a municipal corporation shall be subject to the
31 substantive and procedural requirements and standards established by the district
32 council.

1 (3) When exercising authority delegated under paragraph (1) of this
 2 subsection, the governing body of a municipal corporation may not impose any
 3 standard or requirement different from standards or requirements that would apply
 4 had the district council not delegated its authority to the municipal corporation.

5 (c) Any party to an action of the governing body of a municipal corporation
 6 under this section shall have the same right of appeal to the circuit court as the party
 7 would have if the action had been taken by the district council.

8 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 9 read as follows:

10 **Article 28 - Maryland-National Capital Park and Planning Commission**

11 8-112.4.

12 (a) This section applies to any land within the corporate limits of a municipal
 13 corporation in the Maryland-Washington Regional District in Prince George's County.

14 (b) (1) Subject to paragraph (2) of this subsection, the district council may
 15 provide that the governing body of a municipal [corporation may] CORPORATION:

16 (I) MAY exercise the powers of the district council in regard to:

- 17 [(i)] 1. Certifications of nonconforming uses;
- 18 [(ii)] 2. Conceptual site plans;
- 19 [(iii)] 3. Design standards;
- 20 [(iv)] 4. Detailed site plans;
- 21 [(v)] 5. Parking and loading standards;
- 22 6. REVIEW OF BUILDING PERMITS AND OTHER PERMITS;
- 23 [(vi)] 7. Revisions to site plans;
- 24 [(vii)] 8. Sign design standards;
- 25 [(viii)] 9. Variances for lot size, setback requirements, and similar
 26 requirements;
- 27 [(ix)] 10. Vacation of local rights-of-way; and
- 28 [(x)] 11. Landscaping requirements, including requests for
 29 compliance alternatives from the Prince George's County Landscape Manual; AND

30 (II) WITH MANDATORY REFERRALS TO THE DISTRICT COUNCIL TO
 31 ADDRESS ADEQUATE PUBLIC FACILITIES AND OTHER REGIONAL ISSUES, MAY MAKE

1 RECOMMENDATIONS ON ZONING MAP AMENDMENTS AND SPECIAL EXCEPTIONS;
2 AND

3 (III) MAY PREPARE LOCAL PLANS FOR APPROVAL BY THE DISTRICT
4 COUNCIL.

5 (2) When exercising authority delegated under paragraph (1) of this
6 subsection, the governing body of a municipal corporation shall be subject to the
7 substantive and procedural requirements and standards established by the district
8 council.

9 (3) When exercising authority delegated under paragraph (1) of this
10 subsection, the governing body of a municipal corporation may not impose any
11 standard or requirement different from standards or requirements that would apply
12 had the district council not delegated its authority to the municipal corporation.

13 (c) (1) IF A LOCAL PLAN ADOPTED BY A MUNICIPAL CORPORATION UNDER
14 SUBSECTION (B)(1)(III) OF THIS SECTION IS NOT ACTED UPON BY THE DISTRICT
15 COUNCIL WITHIN 90 DAYS AFTER ADOPTION, THE PLAN SHALL BE DEEMED
16 APPROVED.

17 (2) A TWO-THIRDS MAJORITY OF THE DISTRICT COUNCIL IS REQUIRED
18 TO REJECT A LOCAL PLAN ADOPTED UNDER SUBSECTION (B)(1)(III) OF THIS SECTION.

19 (D) Any party to an action of the governing body of a municipal corporation
20 under this section shall have the same right of appeal to the circuit court as the party
21 would have if the action had been taken by the district council.

22 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
23 read as follows:

24 **Article 28 - Maryland-National Capital Park and Planning Commission**

25 8-112.5.

26 (A) THIS SECTION ONLY APPLIES TO MUNICIPAL CORPORATIONS IN THE
27 MARYLAND-WASHINGTON REGIONAL DISTRICT IN PRINCE GEORGE'S COUNTY THAT
28 HAVE BEEN DELEGATED THE POWERS ENUMERATED IN § 8-112.4(B) OF THIS
29 SUBTITLE.

30 (B) THE DISTRICT COUNCIL SHALL PROVIDE THAT THE GOVERNING BODY OF
31 A MUNICIPAL CORPORATION MAY:

32 (1) ADOPT MUNICIPAL ZONING ORDINANCES AND SUBDIVISION
33 REGULATIONS;

34 (2) HEAR AND DECIDE ALL ZONING APPLICATIONS;

35 (3) ADOPT A LOCAL PLAN;

1 (4) ISSUE BUILDING AND OTHER PERMITS; AND

2 (5) REVIEW A PRELIMINARY PLAN OF SUBDIVISION AND FINAL PLATS.

3 (C) WHEN EXERCISING AUTHORITY DELEGATED UNDER SUBSECTION (B) OF
4 THIS SECTION, THE GOVERNING BODY OF A MUNICIPAL CORPORATION SHALL BE
5 SUBJECT TO THE SUBSTANTIVE AND PROCEDURAL REQUIREMENTS AND STANDARDS
6 ESTABLISHED BY THE DISTRICT COUNCIL.

7 (D) ANY PARTY TO AN ACTION OF THE GOVERNING BODY OF A MUNICIPAL
8 CORPORATION UNDER THIS SECTION SHALL HAVE THE RIGHT TO APPEAL A
9 DECISION OF THE GOVERNING BODY OF A MUNICIPAL CORPORATION TO THE
10 DISTRICT COUNCIL.

11 SECTION 4. AND BE IT FURTHER ENACTED, That the provisions of this Act
12 are intended to be in addition to, and not in derogation of, any zoning and planning
13 powers held by any municipal corporation in Prince George's County on the effective
14 date of this Act.

15 SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
16 take effect October 1, 2005.

17 SECTION 6. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall
18 take effect October 1, 2007.

19 SECTION 7. AND BE IT FURTHER ENACTED, That, except as provided in
20 Sections 5 and 6 of this Act, this Act shall take effect October 1, 2003.